IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.486 OF 2004

Subhash Gurappa Jadhav @ Dandgole .... Applicant/Accused

V/s

The State of Maharashtra .....Respondent.

Ms. P.P. Kakade for the applicant.
Ms. S.V. Gajare, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 8th September, 2006.

ORAL JUDGMENT:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is challenging the judgment and order passed by the Assistant Sessions Judge, Solapur dated 16/07/2001 whereby the applicant was convicted for an offence punishable under section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years. The Judgment and Order passed by the Trial Court was confirmed in Criminal Appeal No.53 of 2001 by the

Court of Sessions.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant is in jail since 8/10/2000 and has completed 6 years of sentence and if the period of remission which was earned by him is taken into consideration, the applicant, in any case, would be released after two months. It is submitted by the learned Counsel that she does not wish to press or argue on the merits of the case so far as the conviction which is awarded by both the Courts below is concerned. She, however, submits that she would like to argue on the point of sentence only. It is submitted that since the applicant is likely to be released after two months, the sentence of 7 years may be converted into the sentence which the applicant has already undergone.

4. Perusal of the judgment of the Lower Appellate Court discloses that the applicant is in jail since 8/10/2000. Further, office noting dated 7/11/2003 discloses that the accused is in jail. In the present case, it is alleged that the

applicant had assaulted his wife on her neck with a deadly weapon and had caused a grievous injury to her. A complaint was filed by his daughter and, both, his wife and daughter have given evidence against him. There is ample evidence on record to indicate that the applicant had committed the said offence. Moreover, the learned Counsel for the applicant has fairly conceded that she does not wish to argue on the merits of the case so far as the order of conviction which is passed by the Lower Courts is concerned.

5. In my view, since the applicant has already completed most of the sentence, it would be appropriate if the sentence is reduced to one which the applicant has already undergone. The applicant was arrested on 8/10/2000. He is in jail almost for six years. If the period of remission is taken into consideration, in any event, the applicant would be released after two months. Moreover, motive for commission of the said offence appears to be the fact that the applicant was angry because his wife was begging for alms against his wishes. He also suspected her chastity. Considering these facts, the sentence awarded by both the

Courts below is liable to be reduced to one which the applicant has already undergone.

6. Accordingly, the following order is passed:-

O R D E R

The sentence awarded by both the Courts below is reduced to the one which the applicant/accused has already undergone.

Applicant/accused be released forthwith if he is not required in any other case.

Criminal Revision Application is partly allowed in the above terms.

Criminal Revision Application is accordingly disposed of.

(V.M. KANADE, J.)